

**FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

In The Matter Of	:	Administrative Action
	:	
ROBERT JAMES, LCSW	:	
	:	PROVISIONAL ORDER
Licensed to Practice	:	OF DISCIPLINE
Social Work in the	:	
State of New Jersey	:	

This matter was opened to the New Jersey State Board of Social Work Examiners ("Board") on information received which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Robert E. James ("respondent") has answered "no" to question #3 on his New Jersey biennial renewal application for licensure as a Licensed Clinical Social Worker for the period of September 1, 2000 through August 31, 2002. Respondent signed the

renewal application and certified to its truthfulness on August 26, 2000.

2. Question #3 asks the following: "Has your professional license been revoked or suspended (whether active or stayed) by any licensing board?"

3. On November 5, 1999, the Deputy Commissioner for the Professions of the State of New York had issued an Order to grant the application of respondent for a consent order which provisions were to take effect as of the date of personal service of the Order upon respondent or five days after mailing by certified mail.

4. The Consent Order which was effectuated by the above Order was a disciplinary action against respondent by the New York State Education Department, Office Of Professional Discipline, State Board For Social Work. In the Consent Order, respondent admitted guilt to professional misconduct arising out of his conviction for Offering a False Instrument For Filing in the First Degree, constituting a crime under New York State law. Pursuant to the Consent Order, respondent's license to practice as a certified social worker in the State of New York was suspended for twenty-four months, the first twelve months being active and the next twelve months being stayed.

CONCLUSIONS OF LAW

Pursuant to N.J.S.A. 45:1-21 (a), (b) and (e), respondent's conduct as set forth herein constitutes grounds for the Board's refusal to issue a license or the Board's suspension or revocation of respondent's license to practice social work in the State of New Jersey in that respondent conduct constitutes obtaining a license through misrepresentation pursuant to N.J.S.A. 45:1-21(a), employing a misrepresentation pursuant to N.J.S.A. 45:1-21 (b), and engaging in professional misconduct pursuant to N.J.S.A. 45:1-21(e). N.J.S.A. 45:1-22 provides that in addition or as an alternative to revoking, suspending or refusing to renew any license, the Board may, among other things, issue a reprimand, assess civil penalties, or take affirmative corrective action as may be necessary.

IT IS, THEREFORE, ON THIS 10th DAY OF *July* 2001

ORDERED THAT:

1. Respondent is hereby reprimanded for falsely answering "no" on question #3 of the 2000-2001 biennial renewal application for licensure as a Licensed Clinical Social Worker.

2. Respondent is hereby assessed a civil penalty in the amount of two thousand, five hundred dollars (\$2,500.00) for his violations pursuant to N.J.S.A. 45:1-21 (a), (b), and (e). The payment shall be by certified check or money order, payable to the

State of New Jersey, and sent to Leslie Aronson, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. The within Order shall become effective and final at 5:00 P.M. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) submitting a written request for modification or dismissal to Leslie Aronson, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101;

b) setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed;

c) submitting any and all documents or other written evidence supporting respondent's request for consideration and mitigation therefor.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an

evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary Findings of Fact and Conclusion of Law contained herein shall serve as notice of the factual and legal allegations in such proceedings.

NEW JERSEY STATE BOARD OF SOCIAL WORK EXAMINERS

By: Mariagnes B. Lattimer
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